IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

**FRIDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND SIX**

PRESENT
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.15646 of 1997

Between:

1.K.Manikyam and others.

..... PETITIONERS

AND

1.State of Andhra Pradesh through its Secretary, Municipal Administration & Public Health Department, at Secretariat, Hyderabad, and others.

.....RESPONDENTS

The Hon'ble Sri Justice Nooty Ramamohana Rao

Writ Petition No.15646 of 1997

Order:

This writ petition was instituted by 25 persons aggrieved by the inaction of the respondent–State

authorities in redressing their grievances though their lands are getting submerged during the monsoon season resulting in crop loss. They further seek directions to the respondents to acquire their lands in accordance with law.

The writ petitioners have given complete details of the lands together with survey numbers, which are situated in Minpur Village, Pulkal Mandal, Medak District. It appears that when the State Government has undertaken construction of Manjeera Project Phase- III for providing drinking water to Hyderabad City, the lands belonging to the writ petitioners were suspected to suffer submergence and consequently, proposals for acquiring their lands under Section 4(1) of the Land Acquisition Act, 1908 (for short 'the Act') have been initiated. These proposals were also approved by the District Collector on 8th October, 2000, but however, when the Executive Director of the Sewerage Board, upon verification, called for a resurvey of the entire land, which is likely to be submerged and required to be acquired, a special team comprising of necessary technical staff has been constituted and it undertook the resurvey operations on 30th October, 2002. This team found that since there was no change in the original contour

line of submergence area at FRL of + 1651-75 feet of Manjira Barrage, there is no need to acquire the lands in question. It was further realized during the joint inspection that during monsoon, whenever the flood gates of Singoor dam were opened, simultaneously, the down stream Manjeera dam flood gates are also getting opened, thus, discharging the excess water further down stream. Therefore, the inspection team found that there would not be any submergence of additional lands requiring their acquisition. In fact, the Special Deputy Collector, Singoor project at Medak District, had asserted in his counter-affidavit, that in the past four years, notwithstanding the fact that the dam gates of Singoor have been opened up during the monsoon season, letting off the waters down stream, the lands belonging to the writ petitioners have not suffered any submergence.

In this view of the matter, the prayer of the writ petitioners that their lands, which are suffering submergence, be directed to be acquired by the respondents for the purpose of construction of Phase III Manjeera dam cannot be granted.

However, if the lands of the writ petitioners are getting submerged, resulting in any eventual crop loss due to release of waters from Singoor Dam

during the monsoon season, they should be compensated for such a loss. Preserving this right of the writ petitioners to seek appropriate compensation for any crop loss due to release of waters by the Singoor Dam down stream, the writ petition is dismissed, but however, without costs.

(Nooty Ramamohana Rao, J)

22nd December, 2006
LUR